

REMARKS/ARGUMENTS

The above-identified patent application has been reviewed in light of the Examiner's Action dated October 13, 2006. Claim 51 has been amended. Claims 31-50 and 51-55 have been cancelled in response to a Restriction Requirement. Claims 1-30 were previously cancelled. Accordingly, Claims 51-55 are pending. Claims 51 and 55 have been rejected pursuant to 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent No. D426,099 to Udwin et al. ("Udwin"). Claims 52 - 54 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Udwin in view of U.S. Patent No. 5,396,987 to Temple et al. ("Temple").

Claim Rejections - 35 U.S.C. §102

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully traverse the Examiner's assertion that Udwin teaches all of the limitations of Claim 51. More specifically, Claim 51 requires a fifth and sixth pocket formed between the middle sheet and the flexible back sheet for holding a plurality of graphics. Conversely, Udwin states that the opposite side of the CD storage page is a mirror image of what is shown in Fig. 2. Therefore, the reverse of the CD storage page of Udwin includes four, not two storage locations that would not be suited for storing graphic's pages as contemplated and claimed in the above-identified patent application. However, to further clarify the Applicant's invention, Claim 51 has been amended to identify that the fifth and sixth pockets have a larger storage area than the first through fourth storage pockets.

In addition, Claim 51 requires a flexible middle sheet position between a flexible front sheet and a flexible back sheet. The Examiner stated that since the front side and the back side of Udwin are mirror images of one another, one can *only* conclude that there is a middle sheet positioned therebetween to form pockets on both sides of the sleeve. Applicants traverse this assertion as a impermissible broadening of what is disclosed by Udwin. More specifically, Udwin, a design patent, neither shows or alludes to the use of a middle sheet. Applicants assert that a flexible middle sheet is not necessarily required by Udwin. For example, one could form the CD storage page of

Udwin wherein CD access is provided from each side of the sleeve. In this configuration, the lower portion of each storage location would have sufficient amount of material to secure a CD or DVD. In light of the foregoing, it is respectfully requested that the anticipation rejection based on Udwin be withdrawn and Claims 51 and 54 be allowed.

Claim Rejections - 35 U.S.C. §103


To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Claims 52-54 have been rejected as being obvious in light of Udwin in view of Temple. Again, Applicants respectfully traverse this rejection since each and every element of the claimed invention is not found in the combination of references. More specifically, and as set forth above, Claim 51, has been amended to add features that are not found in Udwin. Thus, since all of the claimed elements are not found in Udwin and/or Temple, withdrawal of the rejection is proper.

Conclusion

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: 2-26-07
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